

S/N 10/060,753

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Toshifumi Komatsu et al.	Examiner:	Amanda C. Walke
Serial No.:	10/060,753	Group Art Unit:	1795
Filed:	January 30, 2002	Docket No.:	970.0098US01
Title:	INK RECEPTIVE PHOTSENSITIVE LAMINATE		

Alternative Petition to Revive Under 37 CFR § 1.137(b)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir/Madam:

In the alternative to the Petition to Withdraw the Holding of Abandonment under 37 CFR § 1.181 submitted herewith, Applicant hereby petitions to revive for unintentional abandonment under 37 CFR 1.137(b). Applicant asserts that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional.

The following items are being filed herewith:

1. Statement of the Facts beginning on **page 2** of this paper.
2. A reply under 1.137(b)(1) including a Request for Continued Examination.
3. Terminal Disclaimer required by 37 CFR 1.137(d)
4. A copy of the Notice of Abandonment mailed on 03/16/2010

Statement of Facts

On March 30, 2007, a Notice of Appeal was filed for Application Serial No. 10/060,753 challenging Examiner's rejections of Claims 1-3, 5-6, 9, 16, 17, 19, and 21-25. A decision was rendered by the Board of Patent Appeals and Interferences on December 18th, 2009, which affirmed Examiner's rejection with regard to Independent Claim 1 and reversed Examiner's rejection with regard to Independent Claim 23. The first paragraph of Page 4 of the Board's decision indicates that "...the Examiner shall cancel claim 16 upon the disposition of this appeal." Applicant was not made aware of any formal matters needing correction by the Applicant after this decision.

A Notice of Abandonment was mailed by Examiner on March 16, 2010 for the above-referenced application, citing as the reason, "The decision by the Board of Patent Appeals and Interference rendered on December 18, 2009 and because the period for seeking court review of the decision has expired and there are no allowed claims."

Applicant has been in repeated telephone communication with Examiner Amanda Walke since issuance of the Notice of Abandonment in hopes of reaching a mutual understanding of the legal requirements in this situation. Since that time, Applicant and Examiner Walke have been unable to come to a resolution as to whether the Notice of Abandonment is proper. At this point Applicant believes review by the Petition Office is necessary to gain resolution, and now respectfully requests that this Petition to Withdraw the Notice of Abandonment be granted.

Please charge any outstanding balances, including any petition fees, and reply fees, resulting from the petitions to Deposit Account No. 50-3688.

Respectfully submitted,

Date: October 20, 2010

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